

Remarks/Arguments:

This amendment cancels claims 13-15, leaving pending claims 1-9, 12, 16-20, 22-27, 30, 35, 37-38, 40, and 47-50. Entry of this amendment is requested as all remaining claims are seen to be in condition for allowance as will be shown, and in the alternative the cancellation of claims 13-15 reduce the number of issues for appeal. The final Office Action dated December 15, 2006 made the following final rejections:

- claims 13-14 and 16-17 under 35 USC 102(b) as anticipated by Wang (US 6,990,453);
- claims 1-9, 12, 22-27, 30, 37-38, 40 and 47-50 under 35 USC 103(a) as obvious over Wang in view of Barton (US 2002/0072982);
- claim 15 under 35 USC 103(a) as obvious over Wang;
- claims 18-20 and 35 as obvious over Wang, Barton and Ravago (US 6,529,584).

The anticipation rejection of claims 13-14 and 16-17 is seen to be partly in error, as claims 16-17 depend from claim 1 which is rejected for obviousness rather than from claim 13 which is rejected for anticipation. These remarks treat claims 16-17 as being rejected in the final office action for obviousness over any combination of references.

In Wang, landmarks and fingerprints are used to build a database, and a user sends an exogenous media sample to the database. Landmarks and fingerprints from the exogenous media sample are matched, and the media file from which the exogenous media sample was taken is identified. As defined in Wang, "an exogenous media sample is a segment of media data", which "can be thought of as ... a distorted and/or an abridged version or rendition of the original recording." A ten second segment of a five minute song is given as a specific example of an exogenous media sample. (col. 5 lines 60 to col. 6 line 3) The final office action admits at page 4 that "Wang differs from the claimed invention by not explicitly reciting the receiver is for receiving a request message over the wireless link that requests additional features and the processor is automatically responsive to the request message to extract a second set of features from the digital version of the media sample and the transmitter is further to transmit the extracted second set."

The final office action cites to Barton at para [0048] to [0049] for the proposition of “a recursive feature for automatically requesting more information in order to narrow the search results to find the corresponding file.” Barton is not seen to cure the admitted shortfall of Wang. In Barton, a recognition engine 110 searches a database 115. The cited passages refer to Figure 1, which show inputs to the recognition engine 110 from an experiential environment 101 after capture and sampling via line 117, and a user input/identification block 120 that inputs along line 122. Both those input lines 117, 122 are uni-directional. This cannot be an oversight in Barton because the signal line between the recognition engine 110 and the database 115 is clearly illustrated as bi-directional, and Barton’s text explicitly distinguishes unidirectional versus bidirectional flow at para 0038. No other inputs to the recognition engine 110 are seen, so the illustration does not support an interactive recursive feature between the recognition engine 110/database 115 and any user or portable device.

The Barton text also fails to support an interactive recursive feature between the recognition engine 110/database 115 and any external device. At para [0048], Barton describes that characteristics of a sample received at the recognition engine 110 are derived at the database 115, and that a certain level of discrimination is required to resolve any ambiguity arising from multiple triggering events (matches in the database). Para [0049] merely gives an example of song lyrics, and that a relatively large number of characteristics about the same may be derived and compared against the stored data to identify one particular song. In these teachings, the single sample is received at the recognition engine 110. Any ‘recursive feature’ consistent with the assertion of the final office action must be wholly between the recognition engine 110 and the database 115. Apart from receiving the sample from the experiential environment 110 and the user profile from the user input/identification block 120, there are no inputs to the recognition engine 110.

In contradistinction, claim 1 recites in relevant part:

a transmitter to **transmit the extracted first set of features** over a wireless communication link,
a receiver for **receiving a request message over the wireless link** that requests additional features;
wherein the processor is **automatically responsive to the request message to extract a second set of features** from the digital version of the

media sample and the transmitter is further to transmit the extracted second set.

No combination of Wang and Barton are seen to extract a second set of features in response to wirelessly receiving a request message. Barton is seen to use an actual sample at the recognition engine 110/database 115, not to teach a wireless interaction between a device doing the extracting and a device requesting additional features. Barton is not seen to disclose, teach or suggest any wireless request message emanating from the entity that houses the recognition engine 110/database 115.

Independent claims 23 (computer program), 48 (mobile station) and 50 (method reciting a portable device) each recite similarly to that quoted above for claim 1, but with somewhat different specifics of language. Independent claim 37 is directed to a computer program such as may be embodied within the database node doing the searching. Claim 37 recites in relevant part:

a third set of computer instructions to transmit over the network a request message that stipulates the second set of additional features;
and

a fourth set of computer instructions to uniquely identify one feature set from among the matching sets using the second set of received features

Claim 37 distinguishes over the combination of cited art for the same reasons as claims 1, 23, 48 and 50, but recite from the perspective of the entity sending the request message and using the features to identify a match rather than the perspective of the entity that receives a request message and extracts a second set of features in response. Barton wholly lacks this aspect of the claims. The office action admits that Wang fails to disclose, teach or suggest it, so the combination of Wang and Barton fails to teach or suggest this feature also.

Ravago is not seen as particularly relevant to the independent claims, and is seen to be cited only for its teachings specific to MPEG-7.

In view of the cancellation of claims 13-15, all remaining claims are seen to patentably distinguish over Wang, Barton and Ravago, alone or in any combination. The Applicants

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respectfully request the Examiner to withdraw the final rejections and pass claims 1-9, 12, 16-20, 22-27, 30, 35, 37-38, 40, and 47-50 to issue.

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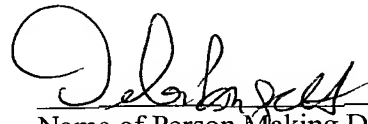
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